



In The United States Patent and Trademark Office

Application No.: 09/858,012

Art Unit : 3727

Response to Non-final Office Action sent 06/27/05

**Office Action:**

1 and 2 - Claims 119-148 are rejected under 35 USC 112 par. 2 as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

3 and 4 - Claims 119-148 are rejected under 35 USC 102(b) as anticipated by, or in the alternative, under 35 USC 103(a) as obvious over Fresco 5,609,278.

**Applicant Response:**

**Rejection Based on 35 USC 112 par.2**

**Independent Claims:**

Claim 149 (amended version of canceled claim 119)

To overcome rejection based on 35 USC 112 par.2, Claim 119 is canceled and replaced with claim 149 such that it now distinctly points out the subject matter of the invention. The amendments reflect the following:

- a) The frame is used to hold a specific type of backpack - one with a left strap and a right strap and a handle on top, the straps and handle each comprising a closed loop.
- b) The frame face described as being of shape and size adapted to have a pack secured thereon and having a left frame edge,

a right frame edge and a top frame edge provides a clear idea of what the frame is.

- c) The location of all the retaining means are clearly identified to be on or proximal their respective frame edges. The use of the word "or" in this claim is acceptable under MPEP 2173.05(h) because its use does not render the claim indefinite. "on or proximal" conveys a clear and definite limit as to the location of the element in the claim.
- d) The structures and function of the first and second retaining means are specified in detail thus obviating the use of reference numerals from the specifications and clearly defining the limits of the claim. Selection (a) covers hook 122 and selections (b) and (c) cover cleats 316 and 1045.
- e) Although the structure of the first retaining means is not specified, a means plus function is still considered a physical recitation per 35 USC 112 par.6.
- f) Another "or" word is found in "slung or wounded" and in "top handle or strap" which are all acceptable because there is no ambiguity created. The strap used with the first retaining means is further clarified to mean the strap proximal to the top frame edge. For the backpack, this is the upper portion of the shoulder straps. The strap or handle can be slung or wounded, does not create ambiguity either because the user can do either one of them at his/her discretion. The recitation of the structures still clearly defines the metes and bounds of the claim.
- g) The words "or equivalent" are absent in new claim 149 and deleted in all other claims, rendering the claim more definite.
- h) The invention as described in claim 149 is a complete operative device. It can certainly hold the popular backpack using the backpack's own basic parts.

**Rejection Based on 35 USC 102(b) and 103(a)**

The above amendments also overcome rejection based on 35 USC 102(b) (anticipation) and 35USC 103(a) based on the following:

**a) The present invention does not satisfy the conditions for "anticipation" according to MPEP 2131.**

According to MPEP 2131 entitled: Anticipation - Application of, "to anticipate a claim, the reference must teach every element of the claim. A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." The only element that is present in the invention as claimed in claim 149 that is also present in Fresco is the frame face structure having a top, left and right frame edges. Even so, Fresco's frame element is 3-dimensional while the present invention's frame is 2-dimensional. The Fresco frame does not have any of the other elements like the releasable retaining means in the present invention whose presence and method of renders the invention unobvious. His only hook and loop retaining means are permanently affixed on the pack and not on his frame.

**b) The structural presence and synergistic use of the releasable retaining means is a novel and unobvious idea.**

The present invention is a frame having the structures of the first, second, and third releasable retaining means. It is the presence of these structures that differentiates it from Fresco. The presence of these structures and consequently their use (to hold the common backpack) is a novel idea and unobvious. Fresco or others skilled in the art does not teach this particular idea despite the fact that a backpack is one of society's most widely used bags.

The Examiner contends that Fresco's frame also has lower left and right points and is capable of accepting a pack having central top attachment means. These Fresco points are not equivalent to the present invention attachment points because the present invention's points include the presence of novel and different releasable retaining means. A backpack has a top handle which is a central attachment means. It cannot be held on the Fresco frame without first untying or unbuckling the shoulder straps and then substantially manipulating them to render them as secure as that provided by the present invention by just a simple slinging and winding of the already closed loop straps. The attachment points of the present invention provides a utility (convenience, ease of operation, economics, etc) that is not obtainable from the Fresco frame or any other frame in related prior art. To further prove the utility advantage of the present invention, the applicant tested the time it takes to secure a bag equipped with velcro straps on at least three points on a frame similar to Fresco's. The velcro straps took longer to install compared to that using a backpack's own straps onto the main frame of the present invention. Therefore, the use of even just one of the specified retaining means in claim 149 in even just one of the three attachment points is already more efficient than one velcro strap attachment. Furthermore, the selection of retainers is never before used in prior art for the purpose of securing a pack to a frame. Therefore, the present invention cannot be anticipated or obvious over Fresco.

**c) The present invention and Fresco do not teach the same thing, thus one cannot anticipate the other.**

Fresco does not teach toward the use of the common backpack for his invention. He teaches toward the use of an articulated apparatus having two non-detachable frames provided with back straps for use with dual, customized, invertible packs with

velcro straps instead of shoulder straps usable for carrying upon one's back. In other words, it teaches how two "framed" customized packs can be carried together comfortably upon one's back and on a bike and on ground. The present invention as claimed in claim 149 teaches the use of one main frame for releasably securing a non-customized pack. If Fresco wanted to teach this, he need use only one frame and this one frame is not the same frame that is used pannier style on a bike. It is almost impossible to conceive how one frame can metamorphose into an articulated unit like Fresco's unless there is a second frame attached to the first. In this regard, Fresco could not have anticipated the present invention.

**d) The use of the combination of the first, second, and third releasable retaining means have not been used in relevant prior art for the same purpose as that in the present invention.**

The ability of the retaining means to secure a pack just using the pack's own basic parts have eluded people skilled in the art even though the structure is simple. Instead, others come up with sophisticated attachment hardware and attach this hardware to their own apparatus and customized pack. The combined use of the first, second, and third releasable retaining means for the ordinary pack actually produced unobvious and unexpected results. The synergy that is derived from the combination are neither expressly nor inherently described in Fresco nor in any other analogous prior art. Therefore, the invention cannot be considered "anticipated" or obvious over Fresco.

**e) On a bike, the single 2-D main frame of the present invention can be used in a horizontal or vertical configuration on a rack. This is not practically possible with Fresco unless the**

**apparatus have to be drastically reduced to about half its size.**

Reducing Fresco's size leaves a reduced storage volume that could also be provided with one pack on a frame with a simpler design.

**f) On a bike, a set of two individual main frames of the present invention used astride the wheels is not equivalent to Fresco's articulating apparatus.**

Fresco's 3-D frame or even just the 2-D portion of it as it is taught in his apparatus can only be used in a dual-bag pannier configuration astride the wheels of a bike. The same entire set of dual-frames/dual-packs is not designed to be broken up for individual use. While a set of two main frames of the present invention can be installed pannier style, this set cannot be the same set that came from a backpack configuration because the backpack configuration of the present invention teaches the use of only one main frame. Furthermore, in the pannier configuration, the two main frames have to be in the same orientation or else one of the backpacks will be in an inverted position producing an unacceptably unpleasant-looking apparatus. In other words, it is extremely difficult to imagine how the idea for the present invention's non-invertible single main frame can be derived from just by even a portion of Fresco's articulating dual-pack/dual-frame apparatus.

**g) The present invention can provide better utility than**

**Fresco's frame for less cost both in the short run and in the long run.**

Pack carriers come with their own customized packs because that is probably the only way they can be used. Consequently, the carrier and pack package becomes expensive and unattainable to people with a limited budget. The present invention provides the same utility, if not better, at a more affordable price

because the ordinary, inexpensive and easily replaceable backpack can be used as the storage element. A replacement customized pack can run from \$50 to \$80 plus s/h while a very good backpack costs only about \$15 from the local store.

**h) The main frame of the present invention has greater utility than that of Fresco because it can easily accept any pack with closed loop straps. Fresco cannot.**

Absent the unique retaining means of the present invention, Fresco's frame can hold only packs that have hook and loop closure(velcro) straps or ties proximal the corners of the frame. The common, inexpensive, and non-customized backpack as everyone knows it, does not have these velcro straps or ties and therefore cannot be used with Fresco's frame without the further addition of these velcro straps or ties or a time consuming manipulation of the shoulder straps to anchor the pack onto the frame. Adding these requires extra time and expense not including the extra time needed to install and release these backpacks onto the Fresco frame. On the other hand, even a velcro-strap equipped pack can be mounted on the main frame of the present invention just because such a pack can be mounted practically anywhere. However, the main frame of the present invention can accept this kind of pack without the need to use the utility offered by "velcro". It will accept the strap without the need to open and close the velcro strap. Even so, user-installed velcro straps on a pack for use with a commercial frame that is recommended for use only with its own customized pack will likely void any warranty associated with the use of the commercial frame.

**i) The apparatus required to provide the utility offered by the present invention is not obvious.**

While it is obvious that a non-tampered backpack as purchased will not work efficiently with Fresco's frame, it is

not obvious as to what frame can provide the convenience of quickly installing and releasing any common non-tampered backpack therefrom. This frame is the present invention. It is the frame distinctly described in claim 149. It is a frame not necessarily made up of elongated members. It is a frame not necessarily made up of parallel elongated members. It can be a single, expandable column. It can have a planar structure. But when the edges of these frames are bounded by a unique combination of releasable retaining means, pleasant unexpected results are realized. The idea is simple but has eluded people skilled in the art because it is not obvious.

**j) The present invention fulfills a need that is present but never fulfilled with the utility, convenience, economics, and attractiveness comparable to what the present invention offers.**

None in prior art has addressed the need for a wheelable article that can allow users, especially students, of the popular common backpack the flexibility of using their own favorite backpack on it and the convenience of easily attaching and detaching the backpack from the article without tying and untying straps, unbuckling and buckling buckles, and opening and closing velcro closures. The "wheelable backpack" that is currently in the market has the backpack already riveted permanently onto the wheeled frame. When either the frame or the backpack becomes soiled or broken, the entire article is discarded. If the backpack and the wheeled frame can be easily detached from each other, only the component that ceases to function acceptably gets discarded. Resources are conserved. Furthermore, users have the option to use wheeled means to carry their backpacks on heavy backpack days and to just carry the same backpack without wheeled means on other days. The contents do not need to be transferred from one backpack to another. The



solution to this need is long overdue. Fresco does not address this need for backpack users. In this time where conservation of resources is important, this venue has not been taken by others skilled in the art including Fresco. Therefore, the present invention is not obvious over Fresco.

**k) The commercial availability of the present invention can further provide for the other pressing needs of the users.**

Apart from the welcome use of the common backpack and conserving of resources, there are other very useful elements in the disclosure that can be made available to the public but are contingent upon the commercial availability of a pack carrier with the main frame of the present invention. For instance, a cushioning envelope and ergonomic padded support shown in Figs. 23-A through 23-C''' can now be easily slipped through the top of the main frame of a ground pack carrier to provide better back protection to users of the backpack. This envelope can be easily slipped out to use with the backpack even without the pack carrier. The ordinary backpack alone usually does not provide the user's back with adequate padding against the pressure exerted by the rigid contents of the backpack, including books. Also, with the comfort added and the ability of the cushioning envelope to house more amenities, one can add a seat, a belt strap, or additional storage room at practically very little additional cost. The seat option is particularly beneficial as a postural aid to students who like to read and study outdoors. Therefore, the commercialization of this present invention is important for the common good especially to young students who are the main users of the common backpack.

There is also the expandable ground base that assures front support for the entire depth of the pack at all times. This is especially welcome when packs are expanded to the fullest. Most wheelable backpacks tend to tip and fall forward when the

backpack is packed full. The contents of the bulging front pockets create the imbalance. Therefore, with the expandable ground base, the pack carrier of the present invention can overcome a lot of the shortcomings of current wheelable backpacks.

**1) The use of the ordinary backpack cannot be inferred from Fresco's disclosure.**

If Fresco anticipated that a portion of his articulated backpack could be used for the common backpack, would it not be to his advantage to disclose such and not state preferences for a pack made of rigid plastic or sheet metal and also further equip his apparatus with the means to effect that use? Wouldn't he have redesigned his apparatus such that the backpack would not be in the inverted position either in the backpack mode or pannier mode? Therefore, the main frame of the present invention could not have been anticipated by Fresco's apparatus.

Fresco's disclosure does not suggest that his invention can be applied to the popular backpack because:

- 1) The Fresco frame does not have any structural releasable retaining means other than the elongated members making up the frame itself. Only a pack with velcro straps or ties can be conveniently and easily retained on this frame. This velcro type of releasable retaining means will not work on a planar frame. Not having velcro straps, a backpack might be retained on the frame just after a time-consuming effort of untying, twisting, looping, or whatever it takes of the shoulder straps. No user would want to be subjected to that on a frequent basis. Nor would the backpack.
- 2) One of the packs will end up upside down with wheels sticking on top after re-orientation from backpack mode to bike pannier mode. The common backpack does not look

symmetrical cut laterally at its midsection and therefore would look inappropriate upside down when used with Fresco's frame. Considering that the resulting look of the frame and pack combination is very crucial to acceptance of a marketed invention, Fresco definitely did not mean his invention to be applied to the common backpack.

- 3) There is the provision for shoulder straps spanning the two frames in Fresco. This can only mean that the packs that are meant to be hanging on the frames do not have them, therefore, are not the common backpacks as all know them to be.
- 4) The Fresco frame for the pack comprises a 3-dimensional rigid frame. Fresco preferred a storage element having its own frame with supportive material like plastic to add structure to the storage element and to guide the storage element onto the main frame. Fresco even suggested that the storage element be made of rigid plastic or sheet metal for durability. The common backpack has no rigid frame. It is not made of rigid plastic or sheet metal. It does not have to be rigid to "belong" with the present invention. It does not have to be guided onto the main frame because the main frame of the present invention is 2-dimensional. Rigidity of the material that the common backpack is made of (not rigid plastic or sheet metal) is sufficient. Therefore, the backpack is not meant to be used with the Fresco frame.

Therefore, the application to the common backpack is not obvious in view of Fresco.

- m) **The use, combination, and location of the releasable retaining means described in claims 149 and 148 is novel and unobvious.**

The method of use of these retaining means is described in detail in the specifications and drawings as well as in method claim 148. None in relevant prior art has disclosed that method of use for these retaining means for the common backpack. None in prior art has disclosed the structure of these retaining means as described in the present invention to effect this particular method of use. Prior art teaches the use of frames with attachment means that can mate only with the attachment means attached to a pack specifically produced for use with such frames. The ordinary backpack has to be significantly tampered with if used with such frames. The use of the simple retaining means has indeed produced desirable unexpected results, therefore, not obvious and thus, patentable.

- n) Other patentability arguments are disclosed in the specification under Background of the Invention as well as those disclosed in previous Submissions and Responses to OA's from the PTO. The applicant is requesting the Examiner to reconsider them as well.

**Claim 148:**

This is an independent method claim describing the novel way with which a backpack can be secured to a main frame having a first, second, and third retaining means. This method is certainly not obvious over Fresco's method of simply looping a velcro strap through a frame made of elongated members. A backpack has no velcro strap anywhere. The method is novel, unobvious, therefore, patentable. The words "on or proximal" and "top handle or upper part of the shoulder straps" should be acceptable because it creates not ambiguity as to the metes and

bounds of the claim. The elements on both sides of the "or" word are distinct and specific.

**Dependent Claims:**

Claims dependent on the new independent claim 149 (claims 120 - 147) that the Examiner noted as having indefinite structure because of the use of the words "some means" and/or "or equivalent", and/or "means" without a preceding word that specifies the function, have all been amended to comply with the Examiner's requirements for clarity and distinctness. In all cases, the function is clarified by more detail immediately following the "means" word.

Patent Law 35 USC 112 par. 6 states: "An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or facts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof." The amended claims comply at the least with this above law.

The additional elements introduced in these dependent claims render these claims even more patentable in view of Fresco. Some of them are novel, unobvious, and patentable by and of themselves regardless of the patentability of their parent claims. With the amendments made to these claims, they should now be found allowable. A summary rejection without consideration of each individual claim is unwarranted. Each claim is a separate invention. Each of these dependent claims introduce elements that render it even more unobvious and unanticipated by Fresco. For instance:

1.) Fresco does not teach of a frame that adjusts to the height of the backpack - claim 120, claims 128 - 134, and claim 142.

2.) Fresco does not teach of a first releasable retaining means using rotary transmission, clamping, fixed knobs, etc. - claims 150 and 122 -127.

3.) Fresco does not teach of a single column main frame - claims 136 and 137.

4.) Fresco does not teach of a supporting base that can carry the backpack in a vertical and also in a horizontal position - claim 140.

5.) Fresco does not teach of a supporting base for one backpack that has slidable front and back sections to accommodate the varying depths of backpacks - claims 141, 143, and 144.

6.) Fresco does not teach of a main frame and base combination wherein the main frame can be inclined frontward for use as a backrest with a seat provision - claims 146 and 147.

All the dependent claims are linked together by a patentable independent claim 149. The remarks following below regarding amendments to claims are presented to facilitate examination. The applicant submits that this claims overcome the rejections under 112, 102(a) and 103(b) and is requesting the Examiner to reconsider them for allowability. Reference figures are provided for most of the claims. Markush claims are all properly supported in the disclosure.

Claim 119 - canceled and replaced with claim 149

Claim 120(dependent on claim 149)- The word "means" is now preceded with the word "adjusting" The disclosure is replete

with adjusting tube means too numerous to individually mention describing in detail several ways to maintain the nested tubes in the desired position relative to each other. Claim 142 also describes these telescoping tube means. **Figs. 51-F through 51-G'** also show another novel way of adjusting the distance between the first retaining means and the second and third retaining means by rotating both ends of a frame part that houses the first retaining means along a threaded section of two vertical components of the frame. Fresco does not teach about adjustability of his frame size to accommodate packs of different sizes because his pack is already customized to the right size and equipped with velcro straps at the right places to fit his frame. This claim could not have been anticipated by or obvious over Fresco, thus patentable.

**Claim 121** - canceled and replaced with claim 150 below.

**Claim 150** (dependent on claim 149) - This claim is actually an amended claim 121, now canceled. The rotary transmission means as shown in **Figs. 16-A, 16-B, and 10-A through 12-E4R'** are already novel and patentable by themselves. The clamping means as shown in **Figs. 28-A through 31-D** are already novel and patentable by themselves as well. The use of knobs, hooks, cleats, buckles, slits cavities, etc. as a releasable retaining means in combination or conjunction with the second and third releasable retaining means for the top handle of a backpack is also novel and patentable. None of these unique elements can be conjured from Fresco. Therefore, this claim could not have been anticipated by or obvious over Fresco, thus patentable.

**Claim 122** (dependent on claim 150) - The word "means" in the second line is now preceded by the word "control". The

specification corresponding to **Figs. 10-A through 12-E4R and Fig. 16-B** describe how the rotary transmission means work. The addition of some more elements only further supports the fact that this claim could not have been anticipated by or obvious over Fresco, thus patentable.

**Claim 123**(dependent on claim 122) - Amendment is made to clarify element.

**Claim 124**(dependent on claim 150) - The word "surface" is inserted in line 6. No further amendment is necessary because it only describes in more detail the clamping means introduced in claim 121. The specification corresponding to **Figs. 28-A through 31-D** describe how the clamping means work.

**Claim 125**(dependent on claim 124) - Amendment is made to correct grammar. This claim further provides clarification of the element "adjusting means" of claim 121 upon which claim 124 is dependent on. The invention of (a) is shown in **Figs. 28-A through 28-D**. The invention of (b) is shown in **Figs. 29-A through 29-C**.

**Claim 126**(dependent on claim 150) - Amendment is made to change claim 121 to claim 150. Since this claim provides clarification of one type of the element "clamp" in claim 121, it should be patentable together with claim 150. The invention is shown in **Figs. 30-A through 30-C**.

**Claim 127**(dependent on claim 150) - Amendment is made to correct grammar. This claim provides clarification of another type of the element "clamp" in claim 121 and therefore should be



patentable together with claim 150. The invention is shown in **Figs. 31-A through 31-D.**

**Claim 128**(dependent on claim 149) - This claim describes a specific structure for the frame face of claim 149. The amendment clarifies that the left and right frame edges of the frame face comprises a pair of elongated members. This claim should be patentable together with claim 149. This is a broadened version of the invention in claim 129 and canceled claim 130.

**Claim 129**(dependent on claim 128) - Amended to provide more clarity and distinctness. This is also a broadened version of the invention shown in **Figs. 1, 33-A, 44-A, and 52-A'** among others.

**Claim 130**(canceled)

**Claim 131**(dependent on claim 129) - This claim is a broadened version of the invention shown in **Figs. 1 and 14-A through 14-D.** Amendments are made so that regardless of the number of tubes nested beyond three, the topmost transverse bar which is also the handle, connects the pair of smallest tubes.

**Claim 132**(dependent on claim 129) - The words "height selecting" is added to precede a "means" word. The method of effecting a quasi-extendable length for the handle of the frame as shown in **Figs. 7-A through 7-E** is already novel and unobvious even by itself. Therefore, claim 132 is patentable together with claim 129. No function word is used to precede the word "means" in this claim because the function of the means is described immediately following.

**Claim 133**(dependent on claim 129) - Amended for more clarity and distinctness.

**Claim 134**(dependent on claim 129) - Amendment is made to include a preceding word "snap button latching" to the word "means". This claim provides further clarification on how extension, retraction, and retainment of telescoping tubes work can be done conveniently and easily by just one person. This method is already novel and unobvious by itself and therefore claim 134 is patentable together with its parent 129. The invention is shown in **Figs. 8-A through 8-C4**.

**Claim 135**(canceled)

**Claim 136**(dependent on claim 149) - Amendment is made to precede the word "means" with the words "anchoring". The single column version of the invention as shown in **Figs. 60-A through 66-D** is novel and unobvious by itself, therefore patentable together with its parent claim 119.

**Claim 137**(dependent on claim 136) - Amendments consist of correcting the parent claim from claim 135 to claim 136, further clarifying some elements and eliminating the words "some means". The invention is shown in **Figs. 61-A through 65-C**. Since claim 136 is patentable, so is this.

**Claim 138**(dependent on claim 149) - The only amendment is made to change the parent claim from claim 119 to claim 149. The invention is shown as a bike rack in **Figs. 48-A through 49-A'**. Since claim 149 is patentable, so is this.

**Claim 139**(dependent on claim 149) - Amendments consist of rephrasing the idea and replacing the words "some first means" with "connecting means". The invention is shown in **Figs. 1, 33-A, 39-D, 44-A, and 45-A**. Since claim 149 is patentable, so is this.

**Claim 140**(dependent on claim 139) - The claim is rephrased in order to eliminate the use of the words "some second means" and be replaced with "rotating means". Another means word is preceded by the word "folding". The invention is shown in **Figs. 33-A, 33-B, 39-A through 39-C, and 44-A through 46-B**. This claim is patentable together with claim 139.

**Claim 141**(dependent on claim 149) - The claim is rephrased to eliminate the use of the words " some third means" and "some fourth means" and replace them with "sliding means" and "connecting means" respectively. The invention is shown in **Figs. 9-A and 9-B, 15, and 56-A through 59-E'**. The idea that a base frame for a pack carrier can be extended forward as well as the means to effect it are all novel and unobvious, thus, patentable together with claim 149.

**Claim 142**(dependent on claim 120) - Amendments are made to clarify elements. The invention in (a) using an internally mounted snap button is shown in **Figs. 4, 5, 6, 37-A', and 37-B'**. The invention in (b) using an externally mounted snap button is shown in **Figs. 50-A through 50-D, 52-B through 52-D', and 54-A through 55-C'**. The invention in (c) using a lopsided friction knob is shown in **Figs. 51-A through 51-C3**. The invention in (d) using the rigidity of the backpack is embodied in all figures having a nesting tube frame assembly.

The invention in (e) and (f) using more than three retaining means is also embodied in all figures showing at least three retaining means. The invention in (g) is shown in **Figs. 51-E through 51-E''**. The invention in (h) is shown in **Figs. 51-F through 51-F''**.

There is the use of the words "either/or" in selections (b) and (c). This is acceptable under MPEP 2173.05(h) because it does not render the claim ambiguous or indefinite. Either the first retaining means is on the second face member or the second and third retaining means is on the second face member. Since the parent claim 149 states that the first retaining means is on or proximal the top edge, then if the second face member has the first retaining means, it can not go down below close to half-way of the right and left frame edges because it would intersect with the second and third retaining means. If the second face member has the second and third retaining means, it cannot go up beyond close to half-way of the right and left frame edges. This limitation can be written in another way without the use of the words "either/or" which is by dividing the selection into two selections, each specifying the presence of only one particular retaining means on the second face member. An amendment can be made if the Examiner requires so.

**Claim 143**(dependent on claim 141) - Amendments are made to clarify and more distinctly describe the invention. The topside extension is **part #85 in Fig. 1**.

**Claim 144**(dependent on claim 141) - Amendment consists of changing the term "third means" to "sliding means". The invention in (A) is shown in **Figs. 9-A, 9-B, and 59-A through 59-E'**. The invention in (B) is shown in **Figs. 56-A through 57-E'**. The invention in (C) is shown in **Figs. 58-A through 58-E'**.

**Claim 145**(non-existent, error in RCE)

**Claim 146**(dependent on claim 139) - Amendments consist of changing the terms "fifth means", "sixth means", and seventh means to "inclining means", "storing means", and "holding means" respectively. The invention in (A)-(a) is shown in **Figs. 21-A, 21-B, and 24-A through 24-C'**. The invention in (A)-(b) is shown in **Figs. 25-A through 25-6'**. The invention in (A)-(c) is shown in **Figs. 20-C and 20-C'**. The invention in (B) is shown in **Figs. 21-B, 23-A, and 23-B**.

**Claim 147**(dependent on claim 146) - Amendment to correct grammar and eliminate the use of reference numerals is made. The invention is shown in **Figs. 25-A through 25-G'**.

**Claim 148** - an independent method claim. The words "or equivalent" are eliminated. The idea of attaching the upper ends of the shoulder straps to the first releasable retaining means is also added. The invention in (h)-(1.) is shown in **Figs. 13-B1 and 13-B2**. The invention in (h)-(2.) is shown in **Fig. 13-B3**. The invention in (h)-(3.) is shown in **Figs. 38-A, 39-E, and 44-A'**. The invention in (i)-(1.) and (i)-(2.) is shown in **Fig. 44-A'** and the invention in (i)-(3.) is shown in **Figs. 28-D, 30-B, and 31-B**. None in prior art has shown this method of attaching an ordinary backpack to a main frame of a pack carrier. The method is novel, unobvious, thus patentable.

This method claim cannot be restricted from the apparatus claim because they are not distinct. The apparatus exists to practice the method. One is not patentable over the other.

**Claim 149** - is a new claim to replace claim 119. Please refer to the first part of this paper for remarks regarding the patentability of this independent claim.

**Claim 150** - is a new claim to replace claim 121. Please refer to remarks presented between claims 120 and 122 above.

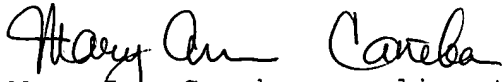
**Other remarks:**

The applicant will request entry of amendments to the specifications for the purpose of establishing consistency between the terms used in the claims and that used in the specifications after claims are found allowable by the Examiner.

**Conclusion and Request for Constructive Assistance**

Therefore, based on the arguments and clarifications presented above, the applicant respectfully submits that patentable subject matter as claimed is clearly present. The claims comply with Section 112 and define over the prior art under Sections 102(b) and 103(a). If the Examiner is convinced but does not feel that the present claims are technically adequate, the applicant respectfully requests the constructive assistance and suggestions of the Examiner pursuant to MPEP 706.03(d) and 707.07(j) in order that the undersigned can place this application in allowable condition as soon as possible and without the need for further proceedings.

Respectfully yours,

  
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